CONSIDERATIONS

Concerning the present

ENGAGEMENT,

WHETHER

It may lawfully be taken

YEA or *NO?*

Written at the desire of a Friend in London,

By JOHN DURY.

The third Edition enlarged, with an Answer to a further scruple offered by a Letter out of the Country.

JOHN 3. 21.

He that doth the Truth comes to the light,

November 27. 1649.

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LONDON,

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CONSIDERATIONS
CONCERNING
The present Engagement

SIR.

YOu have obliged me many wayes to serve you in all that I can for your good, but the matter of your speciall concernment, wherewith you have acquainted me of late, doth lead me of mine own accord, by mine own inclination, beyond all obligations, to endeavour your satisfaction: Seeing then your Conscience is scrupled about the Engagement, which by the *Parliament* is offered to be taken, and you say you cannot subscribe thereunto, till three main doubts concerning the same be cleared; I shall take them into serious consideration, to shew you what I think of the weight thereof, which indeed is of exceeding great moment. For you say 1. That the Oath of Allegiance, and the Nationall Covenant are still binding, and contradictory to this present Engagement.

2. That the present power by which the Engagement is tendered, is very doubtfull, as a power unlawfully usurped; to which usurpation you think you will be accessary if you take the Engagement.

3. That the consequence of the Engagement, seemes to tend to an opposition against the lawful Heir of the Crown, and the right constitution of the *Parliament*, whereunto you are pre-engaged, and from which you cannot recede.

To satisfie your desire, I shall lay before you, as briefly as may be, my sence thereof, that you, who have been alwayes wel-affected to the common cause of Liberty, against the designes of tyranny, may be

helped somewhat, to discerne how lawfull or unlawfull, how expedient or unexpedient, it will be for you, to take, or not to take this Engagement for the publick good, and the discharge of your duty towards the same.

First then, concerning the Oath of Allegiance, and the Nationall Covenant, represent unto your self the true meaning thereof, and so order your thoughts, to that which is answerable thereunto.

The Oath of Allegiance, as you know, did bind all men as Subjects in Law, to be true and faithfull to the Kings Person, to his Heirs and Successours, as they were invested with the authority which the Law did give them: nor was it ever meant by the Parl. which Enacted the Oath of Allegiance, that any should be absolutely bound to the King & his Heirs, as they were men, to be true & faithful to their personall Wills; but onely to them and their Wills, as they had a Legall standing: that is, to the Authority conferred upon them by the consent of the People, which was testified in and under a Law; whereunto the King and his Heirs were bound for the Kingdoms good by Oath: So that the Obligations of King and Subjects are mutuall, and must needs stand and fall together, according as the condition by which they are begotten is kept or broken; which is nothing else, but the Law according to which he and his Subjects agree, that he shall be their King, and they shall be his Subjects. For as you were sworn to the King, so he was sworn to you: as you were bound to be faithfull to him; so he was bound to be faithfull to his trust; nor is he your Liege further then he is faithfull thereunto. If then he be found unfaithfull to his trust, you are *ipso facto*, absolved from your Allegiance unto him; and if according to Law he receives not his Authority, you are not in Law his Subjects at all. Now the just and naturall foundation of all Lawes, is the Reason of the Body of every Nation in their Parl. which hath the sole Right, to propose and chuse the Laws by which they will be Ruled. Where it hath been (as I suppose) a perpetuall custome in this Nation, for the Commons at all times, to aske and propose the making of Laws; and for the Lords and King, to give their consent thereunto: the Lords as the *Judges* in cases of transgression, and the King as the executer, and publick Trustee, for the administration of the common good and wealth thereby; for in a Kingdom there is a Commonwealth, as the intrinsicall substance of the Being thereof; for which all things are to be done by King and Lords, as the publick servants thereof; and Ministers not Masters of State therein. If the King then

should

should set himself wilfully to be above this reason of the Nation which is the only Originall of the Law, and refuse obstinately the Laws which they shall chuse to be setled: he puts himself *ipso facto*, out of the capacity of being a King any more unto them; and if this can be made out, to have been the way wherein the late King set himself, and that it was the designe of the House of Lords, to uphold & enable him to follow that way: it is evident, that so far as he did by that means actually un-King himself, as to this Nation: so far also they that assisted him in that design, did un-Lord themselves in the State thereof; and if this was the guilt of the House of Lords, by other practises and proceedings more then by an indifferency and compliance with the *Hamiltonian* invasion, to help the King to such a Power, I know not what to answer for them.

But as to the meaning of the Oath of Allegiance, as by the perpetuall consent of all ages it never was otherwise understood; and by the third Article of the Nationall Covenant, (which is another branch of this doubt) may be made manifest: It is then undeniable, that the third Article of that Nationall Covenant, was never meant by those that made it, or that took it, to be opposite to the sence of the Oath of Allegiance; but altogether agreeable thereunto. What then the meaning of that Article is, must needs also be the true sence of the Oath of Allegiance. That Article then doth oblige you, to preserve the Right and Priviledges of the Parliament, and the Liberties of the Kingdome in your Calling, absolutely and without any limitation; but as for the Kings Person and Authority, it doth oblige you only thereunto, conditionally and with a limitation; *Namely, in the preservation and defence of the true Religion and Liberties of this Kingdome.* If then the King did not give to the Representatives of the Nation that assurance which was satisfactory and necessary, that their Religion and Liberties should be preserved, none but his Subjects were bound either by their Allegiance or Covenant, to defend his Person & the Authority, which was conferred upon him. The Oath of Allegiance therefore was bottomed upon the Lawes, which the Representatives of the Nation in Parliament had chosen to be observed concerning their Religion, and the Liberties of the Kingdome; which he refractorily either casting off, or seeming to yield unto, in such a way that no trust could be given him, that he would keep what he yielded unto; the Parliament did actually lay him aside, and voted, that no more Addresses should be made unto him: from which time forward he was no more an object of your

Oath

Oath of Allegiance, but to be lookt upon as a private man: and your Oath by which you were engaged to be true & faithful to the Law, by which the Religion & Liberty of the Kingdom was to be preſerved, did ſtill remain in force: which if it may be the true ſubſtantial ſence of the preſent Engagement, which you think is contradictory to this Oath and to the Nationall Covenant, then you are to look wel to it, that you be not miſtaken; for to an indifferent eye, it may be thought ſo far from being oppoſite to the true ſence of either, that it may be rather a confirmation of the ground; for which both the Oath of Allegiance, and the third Article of the Nationall Covenant was then binding; For the ground of all theſe Obligations, is nothing elſe, but the welfare of the Common-wealth, which was intrinſicall, to that which was called the Kingdom, to which you are bound by the Law of Nature and Nations, to be true and faithful for it ſelf, and to the King, to the particular Lawes whereof the King is a Servant, to keep them, and ſee them kept; and to the Liberties, which by Law were limited (leſt they ſhould be exorbitant) and preſerved, (leſt they ſhould be incroached upon) you were bound for that Commonwealths ſake, which in the boſome of the Kingdom was then, and is now without it exſtant, and in being by it ſelf. So then it may ſeeme that you are ſo far from being put by this Engagement upon any Declaration contradictory to your former Oaths, that you are rather obliged thereby to ſtand firm to the ſame, by the fundamentall reaſon thereof, as it is wrapt up in the common cauſe of Religion, and of the Liberty of the Nation: which notwithſtanding any alterations which are fallen out, or may fall out hereafter, are to be conſtantly and unalterably preſerved: for this or that outward form of Government, is wholly accidentall, and no wayes eſſential to any Nation of the World: and therefore is alterable, in reſpect of forms, as is moſt expedient for their exigent neceſſities; but to be governed by Lawes, and to have the uſe of the true Religion, and of the Nationall freedom, is abſolutely neceſſary, and eſſential to the being of a Common-wealth.

It may be conceived then, that the intent of the Engagement is to this effect; that ſeeing there is ſtill a National tye and Aſſociation remaining amongſt the People of this Land; whereof the common good ought to be procured truly and faithfully by all that belong thereunto; therefore you are required to declare, that the want of that accidental form of Government, which ſtood in the having of a King and Houſe of Lords, ſhall not take you off from being willing

to procure the same: which I think you are bound in Conscience, as to intend, so to declare and really to endeavour.

But you will press this further and say, that in the third Article of the Covenant you are sworn, to preserve the Rights and Priviledges of the Parl. now (say you) amongst the Rights & Priviledges of the Parl. this is one; that therein should be a House of Lords distinct from the Commons: and this another; that all the Members of the Commons should sit & vote freely: for when you swore, you meant a Parl. so constituted, and none other; but now (say you) I am put upon a Declaration contrary to the intent of that part of my Oath: because I am obliged to be true and faithfull to the Common-wealth, as it is without such a House, and such Members of the Commons.

To examine this scruple, I shall grant materially all that you say; 1. Concerning your sence of the Rights and Priviledges of Parl. 2. The present Parl. that it is not such as the former was without any alteration. 3. Concerning the intention, which you say you had in that part of your Oath: that it cannot now be prosecuted to that effect, whereunto you say you took it; for if you took it, to preserve those Rights of Parl. which you have mentioned, it must be granted, that such an intention cannot now be prosecuted by you in your private calling: But yet for all this which I have granted, I must say, that the taking of the present Engagement, will not make you more guilty of the breach of this part of your Covenant than you are already: for if you did when time and place was, according to your Calling, what in you lay, to prevent the breach of those Priviledges; you did observe your Covenant, and cannot be accused of the infringement thereof; for when a fatall necessity of State, in the course of divine Justice, with a power irresistible, not onely to men of privat, but to all that were in publick vocations, did bring about that change upon the Parl. no particular mens engagements were considerable. Therefore of that charge, whether you attempted, or attempted not to hinder it, you cannot be counted guilty; whatever the intent of your promise was in the Covenant, because it was neither morally possible, nor lawfull to you in the way of your calling, to hinder the cause or effect of that change; and therefore to you it cannot be imputed as a breach of Covenant. But you will here say, true indeed I am not guilty, but others in my opinion are. But if I promise now to be true and faithfull to the Common-wealth, as upon this breach of priviledge they have settled it, then I confirm what they have done, and so make my self accessary to their guilt and breach of Covenant.

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Here I perceive is that which doth pinch you in the buſineſs: you think, they that made the change broke the Covenant, and if you engage under this change, as is deſired, you think you break your Covenant alſo. To this I ſhall ſay; Firſt, that they who made the change will plead for themſelves, that they are not guilty of any breach of Covenant notwithſtanding that change; but this I ſhall leave to them to juſtifie, as not being needful for the reſolving of your doubt at this time: Therefore in the ſecond place, as to your ſelf, I ſee not how it will appear, that the conſequence which you draw from the act of the Engagement to the breach of Covenant doth at all follow, although thoſe that made the change ſhould be guilty, as you think they are. And then alſo this I am confident of, to be able to let you ſee further, that although you may think that the effect of this Engagement is materially contrary to ſome intention which you had in the third Article of the Covenant; yet that by the Act of the Engagement, you are ſo far from breaking your Covenant; that except you take it, and obſerve it faithfully, you will not onely materially, but formally break that very Article of the Covenant, for which you ſcruple the taking of the Engagement.

As for the conſequence you make from taking the Engagement to a breach of the Covenant, it doth not all follow to my underſtanding; for the direct and plain matter of the Engagement binds you onely to procure the good of the Common-wealth, as now it ſtands: and becauſe at all times, and in all conſtitutions thereof, you are bound to do this, no leſſe by the Covenant it ſelf than by the Engagement; therefore your taking of this, to this effect, can be no breach of that. For the Negative words, *without a King and Houſe of Lords*, (whereat you ſtumble) in the Engagement, may be properly and moſt obviouſly taken, as an explication of the words *Now eſtabliſhed*, immediatly going before; & not an abſolute abnegation of the things lookt upon truly as in themſelves: ſo that the obvious meaning of the words, is to me as if they had been uttered thus aſſertorily: This Common-wealth at preſent doth ſtand *without a King and Houſe of Lords*, and although it doth ſtand thus; yet I promiſe to be true and faithfull thereunto. Now it doth not at all follow, if I promiſe to do my duty to the Common-wealth, although it is at this time thus ſetled; therefore I am acceſſary to all that hath been done to have it thus ſetled; Nor doth it follow, if I ſeek the good of the Common-wealth, although it wants a Houſe of Lords; therefore I am acceſſary to the abolition thereof, or approve of the putting out

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of the Lords wholly from all share of Government in the Common-wealth. These things are altogether incoherent: for what ground is there for me to abstaine from doing any duty to the publike; because others have done (I think) more then theirs? Or because they do it not so as I can allow of it? Can their faultineſſe one way, excuſe my neglect of duty another way? To think ſo is very abſurd, and therefore the conſequence which you make, doth not at all follow.

But let us now go a ſtep further, and ſuppoſe that in your apprehenſion of matters, this Engagement doth materially ſettle ſomething in the Common-wealth, which is contrary to the intention which you had in taking the Covenant: yet I ſay that by giving your aſſent thereunto, as matters now ſtand you breake not at all your Covenant; becauſe your Obligation to thoſe matters by vertue of the Covenant, was extinguiſhed, before you were called upon to take this Engagement: Now that which is extinct and made void, cannot be ſaid to oblige any more: and all promiſes are *ipſo facto*, made void and extinct, in reſpect of their tye upon the Conſcience; when the thing promiſed, is become in it ſelf impoſſible to be done, or in reference to our Calling unlawfull to be proſecuted. It is impoſſible in nature to preſerve the *Kings* life which is cut off, and the houſe of Lords, which is alreadie put downe; And it is not lawfull for any in a private Calling, to attempt the reſtoring of that which by publik power hath been aboliſhed. Nor did the Covenant ever intend, to engage any to ſuch an attempt: nor could any be lawfully obliged to intend ſuch an undertaking, nor is there any word of reſtoring, but only of preſerving, in the Article of the Covenant. But if in your meaning, the promiſe of preſerving ſhould extend it ſelf alſo to a reſtoring endeavour; Yet ſtill the limitation of this endeavour muſt bee in and according to your Calling, not out of it, or beyond it. Now your Calling I ſuppoſe, at preſent, is onely to acquieſce at the abolition of that which is made void, and not to declare any abrogation (as ſome would extend it) of the Right which the Lords have to ſit in Parliament. They may have a Title to this Right, and yet obliged, even for the preſeving of that Right, to ſuſpend the uſe of it at this time: I may, nay I ought to reſolve to abſtain from the proſecution of a Right, which without an inevitable ruine to the publik welfare cannot be obtained. Suppoſe that in order to the publik good, you were obliged by Oath to proſecute ſome buſineſs, and that in following it, you ſhould e-

evidently perceive, that by the change of circumstances, the prosecution of your business, intended for the good, would prove the ruin of the publick; I say that notwithstanding your Oath, by which you are engaged to follow such a businesse, you are nevertheless obliged to desist from it, because your oath binds no further then it is evident that the publick good is advanced thereby, and if the change of circumstances alter the whole case of your business, (as often in State affaires it falleth out) I say your Oath is made *ipso facto* void. And thus the clause of the Covenant which relates unto the King and the House of Lords, as sworne in order to common-welfare. If any should now prosecute by force, it is evident that he would by a new War, hazard the ruining of all; which by all humane meanes possible, in nature, lawfull and not contradictorie to the will of God, we are all bound to the utmost to prevent; for to preserve the publick in peace and safetie, is the maine end of all the promises of the Covenant. whereunto all perticular matters are subordinate, and if I should not suspend my perticular pretentions to Right in order to publick safety, I transgresse the Covenant, which above all doth bind me unto this, which also is nothing else but the expresse sence of the Engagement which is now offered: so that the intent thereof is no way contradictorie, but altogether co-ordinate and consistent, both with the Oath of Allegiance, and the Nationall Covenant so far as they are obligatorie.

And to go yet a step beyond this consideration, I shall ad this, That if the third Article of the Nationall Covenant, concerning the Priviledges of Parliament, be yet in force in any degree, as you suppose it is: then it binds you to preserve the priviledges of Parl. that now are, as well as those that then were. For if there hath not been a totall dissolution of all Goverment amongst us, but a Parliament notwithstanding all changes still kept up, and therein a Right to rule and order matters for the publick good preserved. Then the Oath of preserving these Parliament Rights is still binding, so far as the Parliament is in being; nor can it be agreeable to the intent of that Article, or to the rule of Conscience, and of sound Reason, that because it is supposed some have made a breach upon some of the rights of Parl. that therefore it should be free for any to break & dissolve all the rest. For if you count them guilty who made void the Authority that then was in any degree: how can you be guiltlesse your self, if you intend to make void all that which remaines? Therefore so far as there is yet any ground of order & settlement in the

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Common-wealth by the authority of Parl. & by the Councel of State & Courts of Justice depending thereon; you are by that very Covenant in Conscience still bound to preserve it; and this very thing also the Engagement which is now offered doth clearly bind you; and (as I conceive) to nothing else directly; for the obvious sense of the express words can be none other but this: That so far as the Association of this people is setled in a course of Government, and in the Administration of Justice, you shall not overthrow but preserve the same, although the Administration of this Government and Justice, is not now carried on by a King and House of Lords; but onely by the Parliament that now is, which certainely is your duty at this time; And if this is clearely your duty for the publicke good; then you cannot understand the words of the Covenant to be binding in any other sense but in this; for the words must be taken in the sense which they can directly bear, and which do import the maine end for which the Covenant was taken; for the maine end of this very Article whereof you make a scruple, was evidently to preserve the Parliament and Common-wealth for it self, and (if need so required) also without the King.

Now this is that which the Engagement doth directly also require; for which cause I say, that by vertue of this very promise, you are bound to take the present Engagement; and if you take it not, that you make your self a transgressour of that very Article which you pretend to keep; for if you refuse to be true and faithfull to the Common-wealth as it is now established, you do what in you lieth to make the remaining the Rights of Parliament, and the beginnings of our settlement void; which though at first it was not intended to be without a King, yet it was clearly presupposed in the Article it self, as possible to be without him; and consequently, that although he should not be, yet that the Common-wealth by the rights of Parl. and the Liberties of the nation should be preserved, which is all that now is sought for by the Engagement.

I hope then that you shall find no cause to scruple any further at this; but that such as under the pretence of such scruples take a course to overthrow this Parl. wil be made conscionably awake to see their error, and that they diametrically by such a purpose crosse the main intention of their covenant, and become guilty of dissolving the whole tie of this Common-wealth. And this shall suffice concerning your first scruple at this time.

As concerning the present Power by which the Engagement is

tendered, your doubt is, what you ought to think of it: whether you should count it a lawfull, or an unlawful and usurped power? and if such, whether you will not be accessary to their usurpation, by taking the Engagement?

To these questions I shall answer distinctly, and let you see the Rules by which I order my conversation, in these cases, that if you have nothing to except against them, you may take them up & walk in the Righteousnesse thereof.

For mine own part then, I have taken this to be a Rule, whereby all privat men (such am I) as Christians ought to walk unblameably under the superiour powers of this world: Namely, *That it doth not belong to us, to judge definitively of the Rights which the supreame powers over us in the World, pretend to have unto their places.* And the Reason is this, because I find it no part of the profession of Christianity to meddle with this matter, nor can I see that God doth allow privat men to take so much upon them over their Superiors, nor ought Superiors to suffer it in their Subjects, nor will sound reason, or a good Conscience allow it in any.

It is no part of our Christian profession, to become Judges of the great ones of this world, in respect of their Rights and pretentions to power. For we are to behave our selves as spirituall men in this World, by the Rule of our profession, and as strangers and pilgrims therein, taking it as our passage to a Kingdome that cannot be shaken; and using it as the subject wherein our Faith and Patience, our mortification to things present, and our hopes for things to come are to be exercised. A stranger, a Passenger and a Pilgrim, takes things as he finds them on his way, makes the best of them that he can, & meddles onely with his own matters, how to advance prosperously and easily towards his journies end; that is, how to behave himself without blame and offence towards God and men, in all things with a good Conscience: holding forth the word of life, which is the Rule by which he doth walke in the feare of God towards others. This is all that a Christian, as a Christian that is, by vertue of his profession, is to medle withall about the affaires of this World; which in so doing, he doth judge in the spirit of Righteousnesse; but if he doth make himself a judge in another kind of particular Rights and pretentions of the great ones of this World; hee takes upon him that which doth not belong unto him in his Profession of Christianity, For he doth more then Christ would do on earth, for Christ our Master in this profession would not become a

Judge of the least matters betweene man and man in the World; & how shall we that ought to be his followers and Disciples, take upon us to judge of the greatest of all? How shall we answer this to him? tIs not this one of the greatest Characters of the spirit of *Antichrist* hat he exalts himself above all that is called God? and wherein hath he, done this more remarkabley towards Magistrates who are called Gods amongst men, then by exalting himself over them to become a Iudge of all their Rights and pretentions to power in this World? We must therefore be ware of entertaining the motions and practises of his Spirit, whereof this is a very eminent one, to judge of the right of power to rule in the World.

Nor doth God allow in the World, those whom he hath made Subjects to superior powers, to take upon them to judge of the Rights and Titles of those that are over them. The rule of Subjects behaviour as Subjects is clearly determined in *Rom.* 13.1 til 8, & 1 *Pet*, 2. 13. 14. & *Tit.* 3. 1. Where we find nothing but a command of submission and subjection, of not resisting, and of paying taxes and dues, and of giving honour, feare and respect for Conscience sake unto Superior powers, because they are Gods Ordinance over private men, and they beare not the sword, which God hath put in their hand, in vain. Now the Commandements thus delivered, without any limitation, or restriction of their Rights to Rule, or of our obedience (further then that we are bound to obey God rather then man) I suppose do oblige all Subjects that are under them, either to obey, or to suffer patiently, if they find cause to refuse obedience; but that private men in outward and humane concernments; and for worldly considerations of their owne taking up, should not find any cause to refuse obedience, I conceive is the meaning of of those absolute and unlimited injunctions which the Scripture layes upon Subjects, in respect of their superior powers: So then the duty which God hath appointed of Subjects to observe towards those that are over them, in the places of power, is clearly inconsistent with the scrupulositie of this question, concerning their right and title to Rule. Nor should those that are in places of power suffer their titles by meare private Subjects to be questioned: for either they should actually supresse the disputes and disquiries of that nature in private men as not at all belonging to their cognizance, or they should preuent it in others, who are to be accounted their equals, and to whom in reason they are accountable of their proceedings (for God hath made no man so Supreame, as not to be accountable unto others in a reasonable

sonable way) by some satisfactory declarations and demonstrations of the grounds of their Right to their places, and of the equity of their proceedings therein. Nor lastly, can it stand with sound Reason, or a good conscience in any private man, to take upon him to be a Judge of that matter, and to suspend his acts of obedience in things otherwise good and lawfull in themselves, till his scruples in that kind bee satisfied. For first, no sound reason will allow any man to take upon him the judicature of rights wherein it is not obvious to him, to know the true grounds circumstantially, and seeing all claimes to places amongst them depend upon the concurrences of many circumstances, which in the way of justice give to one and take away from another, a right to the same, and it is in Gods hand alone, to order the incidency of those circumstances between those that have power, and the competitors for the same places, and privat men cannot possibly in their ordinary way (wherein they are bound to stand and walk) know assuredly the incidencies of these circumstances, which change the nature of rights and claims to places; therefore no justice nor reason can allow private men to be Judges of things whereof it is not morally possible for them to have a true insight; and whereinto they have no calling by God or men to make a speciall enquiry, without which they become unreasonably and unconscionably presumptuous, if they settle within themselves, or utter toward others any judgement definitively. Then in the second place, it is a most unconscionable practice in any whom God hath put in the place of subjection, & of living in a private station, to resist the powers that are over him, requiring good and lawfull things, only because he is not satisfied in their right to require those things of him, and in their Title to their places, as if Superiour Powers that are actually in the possession of place, which God hath put in their hands to rule others by, and serve the publick with, were accountable to every private man concerning their right, by which they stand under God in their Charges, and as if it were lawfull for men professing Christianity, to dispense with matters of duty, in themselves commendable and profitable to common edification, onely because they will appeare opposite for some worldly respects unto those that are over them, to whom they owe due respect and submission.

Now after all this, if you say, what? shall private Christians then make themselves slaves to any that will rule over them, without judging rationally, who are their lawfull Superiours to whom they owe obedience? I say to this, no: for Christians are the onely free men

of

of the world: all the rest are slaves to their proper passions, lusts, opposite interests; but he that is subject to the law of liberty, doing all by a rule; is truly free, and none but he. But you will say; by what rule then shall he discern who is Superiour? I answer, by a rule agreeable to sence, to reason, and to Conscience. Sense will shew him who is actually in profession of all power and places of Government over him, and by this he will perceive under whom he doth stand. Reason will shew him what he who is over him pretends unto; whether yea or no, his pretences are backed with power to maintain his right against all adversaries therein; and whether yea or no, the use of that power be limited by Law, or left wholly to his own will without any Law? and Conscience will shew, that he to whom God hath committed the plenary administration of publique affaires with unconfrontable power, is Gods Vicegerent over the society of those to whom his administration doth extend it selfe, either by vertue of a contract; which make a Law, or by vertue of a conquest which is bound to no Law, but the will of the Conquerour: For, if the Apostle doth teach us, that *all souls ought to be subject to the higher powrs*, because *there is no power but of God*, and because *the powers that be* in place *are ordained of God*: then it will follow, that those who are actually Supreme, and in a plenary possession of power, ought to be obeyed as Gods Ordinance; for it is not possible that any can attain to the height of power, without Gods disposall of it into his hands. Here then a Christian rests, and freely performs his duty towards him, in all things good and lawfull, and makes no further inquiry after the rights to titles, according to Laws of men; because he doth consider, that the most High giveth the Kingdomes of men to whomsoever he pleaseth. Thus keeping my Spirit from flying out beyond his bounds one way, and following the directions of a clear rule another way, I prevent this scruple, wherewith you trouble your self without cause, and intangle your Conscience against your duty.

But here again it may be said, If this be the condition of Subjects, and if their duty toward Superiors is thus circumscribed; what way is there left for them to be freed from the unnaturall usurpation of tyrannicall powers? I answer, there be three wayes which God hath left to the reason of men to make use of, partly to prevent, partly to redresse the the tyrannicall usurpations of an over-ruling Power. The 1. is, to settle subordinate Officers under him, without whom he cannot act. The 2. is, to settle Lawes whereby to circumscribe him, and their actings, and a Law-making power, to whom both he and they are to be accountable. And the third is, the great and invincible Law of

necessity

neceſſity, whereof every one is ſo far the judge in his owne cauſe, and in his own place, as he is moved thereby, to venture his life and welfare to obſerve the dictates thereof, by theſe means ſubjects without judgeing of the Titles of Superiors, may repreſſe the undue uſurpation of power in tyrannicall ſpirits: where you may take notice, that although you and I, as private men ought not to make our ſelves Judges of the rights which Superiours pretend to have, in and to their places, yet that they are not without a judicature over them in thoſe places; for the ſubordinate Officers belonging to a State, are bound to judge of the rights of thoſe that are over them; both by which they ſtand in their places of ſupremacy, and by which they proceed in their actings toward Subjects leaſt they be made the inſtruments of Arbitrary power and tyranny, and then alſo the Law-making power, which in all nations reſides by the Law of nature, in the convention of the repreſentatives of the whole body of the people (whether it be made up of the heads of families, or of choſen Deputies, who are intruſted with a delegated power from all the reſt) doth make or un-make rights, in all places and perſons within it ſelfe, as it from time to time doth ſee cauſe. As for the Law of neceſſity which begetteth warre whereby God is immediately appealed unto, by thoſe that pretend to have no Superiors on earth, that he may judge of their rights; whatſoever his hand doth determine in the event, is to bee counted the right of thoſe, in favor of whom the determination is made by his Judgement.

By theſe rules then quiet your mind according to your place, concerning the right which the preſent powers have to rule; do not take upon you to define matters whereof you are no competent Judge: you are made a competent judg only of your own actions which belong to a Subject, as you are under a viſible and uncontroulable power which God hath ſet over you, and your duty is to ſubmit thereunto, in all things agreeable to the will of God, judging your ſelfe, that you put no ſtumbling blocke, or occaſion of offence in any mans way, *Rom.* 14. 13. Yet I will not ſay but in the judgement of diſcretion as you are a member of this Common-wealth, and concerned in the publick welfare thereof, you may look upon your Superiors to ſee how they pretend to ſtand: that is by what apparent, and with what viſible power they poſſeſſe their places, but this you ought not to do ſo peremptorily, as to obliege your conſcience, as to be ſuſpended upon the obſervations which you ſhall happen to make of them and their proceedings; as if your private judgement in ſuch caſes ſhould be the rule, by which you ought to walke in point of obedience

dictate: I say you ought not to set up this judgement of yours so high within your self and over others, as to drown the thoughts of all other rules, but you ought to limit it as I have said before within the bounds of Christianity, & discreet rationality: wherin that I may help you yet a little further: consider soberly with your self what can be answered to this plea, which they will alleadge themselves.

1. *Whether yea or no the national tye & association, by which we were a Commonwealth, while we were yet called a Kingdom, hath ever been dissolved?*

2. *If it hath not been dissolved, what hath kept it entire in the midst of all these shakings? was it not a Parliament, and the subordination of all Officers throughout the nation under it?*

3. *And if a Parl. is still remaining, and all subordinate Officers in places of Judicature and execution, stand under it throughout the whole nation, so that all men may have a legal protection from injuries; what is there wanting to a lawfull power and Government?*

4. *If nothing be wanting to a legal protection for those that acknowledge the jurisdiction, then such as acknowledge it not, do put themselves out of that protection: and if they resist the power which God hath set over them for the publick good & which is actually & fully possest with all the places of publick administration, they resist the Ordinance of God; and they* that resist this Ordinance (*saith the Apostle*) shal receive to themselves damnation, *Rom.* 13. 2.

As for the point of enquiry, how these particular men in whose hands the power & Government is, are come to their present places, whether in a legal way, or that which you call usurpation, it doth not belong to the conscience of any man, who is in a private station, to determine peremptorily, far lesse upon his determination to suspend his actings to the publick good. Yet if in this also you desire to reflect upon the passages of Right without obliging your conscience to stand engaged either way, by that which you shal observe I shall further suggest these heads of matters appliable to the case of those whom you suspect to be usurpers unto your impartial meditation, as a Plea which they do alledge for themselves,

1. *Whether yea or no it be any way unjust by the law of nature, among men that are equals, to resist force with force?*

2. *If it be just among equals to resist force with force, the second point will be to consider, Whether he that invades another mans naturall rights, or he that defends his own right is to be accounted the usurper?*

3. *If he that invades & seeks to deprive another man of his right, be the usurper, then he that by resistance is deprived of that wherof he attempted to deprive his neighbor is not wronged by way of usurpation, but justly defeated of the power which he did abuse.*

Now they will say, that the case was thus first between the King & Parl. if you count them equals (which is the least can be given, say they to a Parl. by the law of nature & Nations) and then afterward between the one party & the other in Parl. the same case was acted againe, as betweene equals: whereupon the City Militia on the one hand and the army on the other, was depending, and set on work for action. And how far (these powers having clashed) those that prevailed did think themselves necessitated to settle the safety of the Comon-wealth, in their own way & what settlement that hath by Gods permition brought forth and upon what ground it now stands, I shall not need to represent unto you; onely the sober considerations of the grounds which the party accused of usurpation doth alleadge for its proceedings, are to be thought upon indifferently, without prejudicat affection, if you will free your Conscience from a snare. And this shal suffice also, concerning the first branch of your second doubt. But let us now come to the second branch thereof, which supposing the power to be usurped doth question how far by taking the Engagment, you become accessary to the guilt thereof? To this question, I shall answer briefly thus, That the Engagement being a duty just to be required by the present Powers from their Subjects; without the performance of which there is no protection due unto them; and necessary to be performed by all that wil not profess themselves desirous to overthrow the present safety, & publick welfare of the Nation; It cannot make those that take it accessary to the guilt of those that tender it, if any be in them, because the performance of a thing good in it self, and just & necessary for me to do in reference unto others, can derive no guilt before God from others, of the evil which may be in them upon me. All moral actions are to be counted good or evill, lawful or unlawful, according to the justice of the Rule by which they are done, & according to the usefulness and conveniency of the immediate and proper end, for which they are done, and if both these be found in the Agent thereof, no guilt can from without be brought upon him, by any co-Agents. Now the rule of Justice in this case is, That we are bound to shew fidelity unto those of whom we desire protection; and that we are bound to be ready to every good work, towards those with whom we live, which is all that in the present state of this Common-wealth is required of us, which if we desire not to perform, wee deserve not to have a being in it: and if wee desire to performe this, there can be no cause why we should not profess it, or why the profession of our willingness to do this, should make us guilty of other mens sins. As concerning the end for which the Engagement is to bee taken, it is to oblige all to intend one and the same publick good so far as at the present constitution of affairs it may be advanced; and to give the Supreame power an assurance that we shal not betray it; but that we are willing to maintaine

all good

good intelligence for publick concernments with it, notwithstanding the present changes brought upon the Common-wealth.

Suppose those that have the present power, had without any apprehension of necessity for common safety or danger to their own safety and liberty, only for some sinister ends usurped the places wherein they are, yet by Gods permission and direction over me, they being now therein, and finding themselves obliged by their places to procure peace and unity among the subjects of this Land, and to preserve the publick interest for the good of all according to their best understanding, if they use any expedient which doth tend thereunto, and offer it unto me to concur with them therein, with what conscience can I refuse a concurrence to such an intention? If they having done amisse formerly, set themselves now to do wel, can I with any conscience oppose them therein? Is it just or pious, that because they found no safety in the way by which I would have setled the Common-wealth, and have altered it, that therefore I should refuse to concur with them henceforth in any other way, or at their motion do any thing, although it may be found never so usefull and necessary in it self for the good of the Common-wealth. If they were guilty one way (as you imagine) by taking upon them more then they had right to do; take heed least you be more guilty another way, by refusing to do that which before God and men you are obliged to: if you are afraid of partaking of their sin, then take heed that you disturb not the publick welfare as much or more by this sin, then they did by that. If their guilt was by the usurpation of power to dissolve the way of setlement wherein we were, take heed least ye obstruct all other ways which henceforth may be taken towards a happy setlement, only by the refusal of due subjection unto the power that is now over you, because you think your self or your party wrongfully deprived of the power which you had. If you strive for power as much as you think they have done, then you are more accessary to their usurpation by doing that your self for which you condemn them, then by yielding to any lawfull engagement for the good of the Common-wealth, which they propose unto you. Thus while you pretend to avoid a doubtfull guilt of another mans sin, least it reflect upon you, you contract an undoubted guilt of your own sin, by refusing a necessary duty to the Common-wealth. The truth is, they cannot be said guilty of Usurpation of Power; for it was by all the Authority of the Common-wealth that then was, both of King and Parl. put into their hands; but if their guilt lies any where, it is this that they abused their power; now you cannot be made accessary to this abuse thereof, which is past already, if you give not your express consent & approbation to that which they did, which I am confident they wil never urge any man to do, who wil promise henceforward to be faithfull to the peace and prosperity of this

State for some of the Councell of State themselves, would not be ingaged to approve of all proceedings past, and yet sit still in Councel with them to advance the publick welfare in time to come, whereby you may perceive that by this engagement they mean not to draw in others to be accessary to their past proceedings, but to know who they are that are faithfull in the Land, and willing to concur in good and lawfull undertakings in due time; for this is all that the Engagement can rationally be stretcht unto, and he that will not admitt of it in this sence, makes himself actually lyable to a greater sin then that which he pretends to be afraid to fall into, which is a way of proceeding very prepostterous & unconscionable, to sin for fear of being found sinful. Hitherto I have insisted upon your two first doubts, more largely then I did purpose at first, therefore in the third & last, I shall be more brief, for if in the two former you bee well satisfied concerning that which is your duty, I cannot see how in this last you can be much further scrupled, for if your Conscience be once throughly convicted of the lawfulnes and necessity of a duty, it must cast the events and consequences of the performance upon Gods providence, and not lay the conjectural appearances of your own apprehensions, in the ballance therewith. In the third doubt you say the consequence of the Engagement seemes to tend to the opposition of two things. 1. to exclude the lawfull Heir of the Crown from his Right. 2. To exclude the Lords from sitting in Parl. To which things you say you are pre-engaged, and from which you cannot recede. To which I shall offer those considerations to your more deliberate judgement. 1. If those be onely seeming inconveniencies, & the other a certain & undoubted conveniency, nay a necessary & undisputable duty; your Consciences cannot justly suspend the latter, for the formers sake, for there is no proportion of obligation (in respect of Conscience) betweene that which is seeming, & that which is undoubtedly certain; we are commanded not to judge according to appearances, but to judge righteous judgement. *John.* 7. 24. by which we must conclude, that to follow appearances, is not to follow the Rules of Righteousnes; and consequently that it is not conscionable to act unrighteous, or to suspend righteous actings, onely for appearances of evill; and as it is absurd to do evill that good may come of it: so it is also unconscionable to leave of the doing of that which is unfallibly good, that no doubtfull evill may come of it, and then consider the duty which you refuse to do, relates to the whole Common wealth, the safety of all, and your own necessary peace & preservation, and the evill which you fear will come upon it, relates only to the seeming violation of a particular right of some few persons which is, or may be doubtfull, whether you be any further engaged there to, yea or no, for when you say that you are pre-ingaged, so that you cannot recede, must suppose that you mean not a wilfull but a conscionable pre-engage

gagement, and that you cannot lawfully recede from it; but if the contrary hath already appeared and is clear to your conscience now; that your duty and pre-engagement to the whole Common-wealth, cannot lawfully and conscionably be put in the ballance, with a particular Engagement to some persons depending thereon; then you cannot make any further doubt of that which should be done in this case; for I cannot imagine that you will think it lawfull for you to dispense with your interest toward the universall good of the Common-wealth, for any particular engagement, though never so strong otherwise, and lawfully undertaken at first: for if the interest of him, whom you call the heir of the crown, & of the men called the Peers of the Kingdom, is of so much weight with you, that you will do no good also to the Common-wealth without them: then it is clear that in your esteem they are more then the Common-wealth to you, and that the common cause, for the maintaining of which all your engagements are brought upon you, is not so much valued by you, as the particular cause of these persons, which how you can with a good Conscience allow in your self, I am not able to understand. I say then, that if the particular interests or pretentions of any, come to justle with the publick good in your affections, and justle out the same, it is clear that you are not faithfull to your principles of conscience and reason before God and men, but that you are willing to betray the common cause to particular designes; and consequently that you will seek your self in the bottome more then the publick good: because it cannot be doubted, that if you will subordinate your zeal and love to the Common-wealth, unto the respect that you have to other mens advantages, that you will far more (if occasion be offered) subordinate the same unto the respect which you have to your own advantages. For the resolution of this scruple you ought as I conceive, to understand your self thus farre, that you cannot entertain the thought of any engagement or obligation lawfully, which doth cause your engagement and obligation to be true and faithful to the Common-wealth, at all times or at any time, therefore with a good conscience if you find your obligation to the heir of the Crown or to the Priviledges of Peers, fal cross and opposite by change of circumstances (as all human matters are changeable by circumstances) to the common good of the nation; (I say) you cannot in such a case maintain that obligation so, as not to be receded from it with a good conscience; and if the propofall of this engagement, doth discover thus much of your corruption, unto you by such a scruple, you are to be humbled for it before God, and laying aside henceforth all Hypocrisie, rectifie the intentions of the heart, with uprightnesse and sincerity. And all this I offer to be considered by you, supposing your pre-engagement to have been just and lawful, as no doubt it was, but yet that now your Resolution not to recede from it, cannot be stil just & lawful as matters now stand in the state,

if you wil make that pre-engagement, to justle out of your heart this engagement which now is offered unto you to be taken.

As for the dissolution of your tie and obligation to the heir of the Crown, I shall refer you to look upon God, whether he hath not dispossessed him wholly by his own doings and councells, and by the guilt derived from his Father and mother upon him, of all his interest in this Kingdome, and Common-wealth; for because his aim and the aim of those that are about him is not for the Common-wealth but for the Kingdom, that is, not for the good of the society, but for self-greatnesse,

Therefore God, who takes and gives the Rights of Government by the putting of one into the actuall possession of a ruling power, and by taking of the same power away from another, to fulfil his own Councel & judgements over this people, and over those that exalt themselves over them, by destroying the earth, he hath done as it seemed good in his own eyes, both with him who according to men claims the crown, and with those that were the supporters thereof more then promoters of the publick good: And what God who doth exalt one and put down another, determines in this kind in the sight of all the world and (I may say against the clear intentions of all that engaged themselves at first for the good of the Nations, and for the Kings good also; what I say, he determines thus in this kind against mens intensions and expectations, whose affections have been sincerely for the Kings just rights no lesse then yours; you and I have no warrant to contradict and oppose in our thoughts, but we must observe this way of changing the rights, & shaking the titles of the earth, that the Lord alone may be exalted in the day of our common and their special visitation. For I conceive that the Prophesie of the Prophet *Isaiah*, chap. 23. vers. 21, is begun to be fulfilled amongst us, somewhat more remarkably then in other parts of the earth as yet, which is this: *And it shal come to pass in that day, that the Lord shal punish the hoast of the high ones that are on high, and the Kings of the earth upon the earth; & they shalbe gathered together as prisoners are gathered in the pit, & shal be shut up in prison and after many daies shall be visited. Then the moone shal be confounded, and the sun shal be ashamed, when the Lord of hosts shal reign in mount Sion, and before his ancients gloriously.* I shal not now stand to open these words unto you farther then their sense is obvious, to shew y which in another place the Prophet saith to the same or like effect, *That the lofty looks of men shal be humbled, and the haughtines of men bowed down. & the lord alone shal be exalted in that day, for the day of the Lord of hosts shall be on every one that is proud & lofty, & upon every one that is lifted up & he shal be brought low:* Which is a warning also to those that are now exalted in

power over

over us, left they be high minded in their own conceits, and their ruin come suddenly, and without remedy, if they all or any of them will, as once Israel did, say to the Seers, see not, and to the Prophets, prophesie not right things unto us: prophecy deceits, and cause the holy One of Israel, and his Law to cease from before us. And if when they begin to despise his word (as some of them otherwise very active & instrumentall in outward changes seem to do) they trust then in oppression & perverseness, and lean upon their sword and stay thereon, they must take notice they shall be taught to know with dear experience, if they alter not their course; *Esa.* 50:11:12:13. that this iniquity shall be to them as a breach ready to fall; swelling out in a high wall, whose breaking cometh suddenly and at an instant; for if the tallest Cedars are not spared, but cut down, when they exalt themselves above the Trees of the Forrest: how shall the smaller shrubs be born withall, when they are guilty of the same misdemeanor? They therefore that stand before the Lord of the whole earth, let them be wise and fear; he standeth among the Gods & judgeth: even he, who being the King of Kings, came to serve all men through love, and doth teach all men to deny themselves, & become his Disciples, learning of him that he is meek and humble of heart. If they seek themselves and not the Common-wealth, whereunto they pretend to engage others; they shall be found out by those whom they engage to the Interest of the Common-wealth, who mind it sincerely: and being discovered, they shall be cast out of their greatnesse in it. We have seen severall parties up, and their severall Interests set on foot; and their changes came because the true Interest of Christianity, wherein all Common-wealths alone can prosper, hath not been so much minded by them, as their own Interests: we should therefore pray for those that are over us now, that though they may have had, and have still their failings, yet that they may not be split upon this Rock; & we should watch also over our own souls, left we be made a cause of their own splitting, and of the ruine of all, by being enticed to be wilfully scrupulous in these matters, as perhaps some are for ends of their own, to make the way of Government difficult, and the standing of those that are in places of power unsafe. If any be such (of which number I know you are none) they shall eat of the fruits of their own doings assuredly.

For if they acknowledge the jurisdiction deceitfully, to betray it; God will find them out, if they will not acknowledge it, nor any thing (though never so good) offered to the publick Interest by it; onely because they will keep mens spirits at a distance from it: they shall not escape to be consumed by the fire which they do maliciously kindle to destroy the Common-wealth. If the common Interest, which I am perswaded, is in simplicity to be aimed at by the Engagement, according to their sense that offer it: were without scrupulosity and contradiction taken up and intended by all; what an ea-

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ſie matter would it be in a ſhort time to bring at laſt about a reall reformation of all our grievances; but if thoſe that complain of preſſures and grievances, and of the charge of an Army, by their own diſaffection to the publick, and unrulineſs under Government, make an Army abſolutely neceſſary, and occaſion the grievances themſelves, whereof they make complaints, only to caſt an odium upon the Government, they will be found to be the children of their father the Devil, and receive with him their reward: for he obſtructs all that is good in every one, and tempts all unto diſtempers and diſorderly cartiages, and then layes them to their charge to make them odious thereby. Beſides the ſcruples which you have made in this buſineſſe, I have met with ſome, that labour to make ſtrange interpretations and inferences upon every word of the Engagement, as if it were in the meaning of thoſe that offer it, a bundle of ſnares; but trouble not your ſelves with that, for in all promiſes of this kind, the Rule is, that you muſt take the ſenſe which is moſt obvious, to expreſſe an undeniable duty; and by following this, you ſhal not be intangled into ſcruples and ſuſpicions, what others may ſtrain the words unto. Another told me (and I underſtand by him that many are thus ſcrupled) that although he could take the Engagement in a lawfull ſenſe, and approve the obvious ſenſe of it: yet that he ought not to do it, by reaſon of the offences which many godly people would take at him for it, who cannot but think it a breach of Covenant. To this I anſwer, that in a neceſſary matter of duty, an offence wrongfully taken at it, ought not to be regarded by thoſe that perform it: but they ought rather to follow their own conſcience, and give to thoſe that are offended at them in their way, a ſatisfactory reaſon of the juſtice thereof, to inſtruct them: but in things of an indifferent nature, which are free to be done or left undone, there we are bound to ſuſpend the action which may be taken offenſively: as for this matter I ſay, that on both hands there will be offences given or taken, and that by the godly. For as ſome godly will be offended at the taking of the Engagement, ſo ſome others will be offended at the not taking thereof: the caſe then will be, which of theſe two offences I am moſt to avoid; whether that which is wrongfully, or that which is juſtly taken, both by the godly, and alſo by thoſe that are in ſuperiority, whom I offend ſo as to give them juſt cauſe to deny unto me for my offence their protection, and my neceſſary ſafety; and where of the ſame act, the offence on the one hand is ſinfully given, and on the other wrongfully taken; it is eaſie to judge which of the two is to be avoided. I ſhall leave theſe things to your conſcionable and unprejudicate conſideration to be weighed in the fear of God by you; as in his preſence without humane reſpects they are offered to you, by

From my Chamber Nov. 27. 1649. *Your faithful and affectionate friend in Chriſt, J. Dury.*

FINIS.